IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY ,THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

COMPANY APPLICATION NO. 581 OF 2021

IN

COMPANY PETITION NO. 32 OF 2005

Between:

M/s.Kakatiya Agritech Ltd., (In Liqn), Rep. by its Official Liquidator, Attached to the High Court for the State of Telangana. **...APPLICANT**

AND

1. The Branch Manager , State Bank of Hyderabad, Commercial Branch, Suryalok Complex, Secunderabad -3
2. The Branch Manager, Telangana State Financial Corporation (APSFC) Boyawada, Nalgonda - 508 001.
3. Sri. M.Jaya Rami Reddy, S/o. Sri.Rami Reddy, R/o. H.No.LIG-499, Bharatnagar Colony, Sanathnagar, Hyderabad.

...RESPONDENTS

Company Application Under Section 481 & 550 of the Companies Act, 1956 Read withy Rule 9 , 281 & 282 of the Companies (Court) Rules 1959 for dissolution of the Company praying that this Hon'ble Court may be pleased to

i) form an opinion that the Liquidator cannot proceed with the winding up and that it is just and reasonable in the circumstances of the case to order for the dissolution of the company.
ii) permit the Official Liquidator to return the Rs.21,00,000/- to APSFC deposited by them as no workmen claim received in this office.
iii) permit the Official Liquidator to return the initial expenses of Rs.15,000/- to the petitioner for winding up, and in the event of the petitioner being not traceable, the Official Liquidator may be permitted to transfer the said amount to the Companies Liquidation Account.
iv) dispense with the service of notice on the Respondents herein as Official Liquidator has already sought No Objection Certificate from all the Respondents above as detailed in Para no.10.
v) half yearly accounts of the companys liquidation have been filed up to 31/03/2021 and Half Yearly Accounts for the period from 01-14- 2021 to

30/09/2021 and 01/10/2021 to 02/12/2021 are being filed along with this application, be taken on record.

vi) dispense with the auditing of half yearly accounts for the period from 01/04/2021 to 30/09/2021 and 01/10/2021 to 02/12/2021 as there are only few transactions.

vii) dispense with the filing of the final/ annual accounts of the company in view of the filing of the audited / unaudited half yearly accounts regularly in the company in liquidation.

viii) dispense with the payment of Central Government fee in view of non existence and non realization of any asset of the company based on the Statement of Affairs.

ix) order that M/s. Kakatiya Agritech Limited be dissolved with effect from the date of the order.

x) Permit the Official Liquidator to transfer the balance amount to the Company's Liquidation Account, after deducting the Liquidation / incidental expenses, Auditor's fees and etc.,

xi) Permit the Official Liquidator to dispose of / destroy the books of accounts and records of the company any day after expiry of 5 (five) years from the date of order of the dissolution of the company

xii) permit the Official Liquidator to meet the cost of this application and any other incidental expenses be met from out of the funds of the company to its credit, and

This Application coming on for orders and upon reading the Judge's Summons and the affidavit dated 06-12-2021 and filed by Sri V. Santoshi Jagirdar, Official Liquidator (I/c) in support of the Company Application and upon hearing the arguments of Sri J. Srinadh Reddy, Counsel for the Official Liquidator for the Applicant and none appeared for the respondents.

The Court made the following: ORDER

HONOURABLE SRI JUSTICE T.VINOD KUMAR

COMPA No.581 of 2021
In
Company Petition No.32 of 2005

ORDER:

This Application is filed under Section 481 of the Companies Act, 1956 (for short 'the Act') read with Rule 9, 281 and 282 of the Companies (Court) Rules, 1959 (for short 'the Rules').

2. The Official Liquidator prays the following reliefs:

> *"(i) to form an opinion that the liquidator cannot proceed with the winding up and that it is just and reasonable in the circumstances of the case to order for the dissolution of the company;*
>
> *(ii) to permit the Official Liquidator to return Rs.21,00,000/- to APSFC deposited by them as no workmen claim received in the office;*
>
> *(iii) permit the Official Liquidator to return the initial expenses of Rs.15,000/- to the petitioner for winding up, and in the event of the petitioner being not traceable, the Official Liquidator may be permitted to transfer the said amount to the Companies Liquidation Account.*
>
> *(iv) to dispense with the service of notice on the respondents herein as Official Liquidator has sought No Objection Certificate from all the respondents as detailed in para-10;*

(v) Half Yearly Accounts of the company in liquidation have been filed up to 31-03-2021 and Half Yearly audited accounts for the period from 01-04-2021 to 30-09-2021 and 01-10-2021 to 02-12-2021 are being filed along with this application, be taken on record;

(vi) dispense with the auditing of half yearly accounts for the periods from 01-04-2021 to 30-09-2021 and 01-10-2021 to 01-12-2021 as there are only few transactions;

(vii) dispense with filing of the Annual/Final accounts of the company in view of the filing of the audited Half Yearly accounts regularly in the Company (in liqn.)

(viii) dispense with the payment of Central Government Fee in view of non-existence and non-realization of any asset of the company based on the Statement of Affairs;

(ix) order that M/s.Kakatiya Agritech Limited be dissolved with effect from the date of the order;

(x)permit the Official Liquidator to transfer the balance amount to the company's liquidation account, after deducting the Liquidation/incidental expenses, Auditor's fees etc.;

(xi) permit the Official Liquidator to dispose of/destroy the books of accounts and records of the company on any day after expiry of 5 (five) years from the date of order of the dissolution of the company; and

(xi) permit the Official Liquidator to incur the cost of this application be met from and out of the funds of company in liquidation."

3. The circumstances relevant for disposal of this Application are as follows.

4. This Court, by the order dt.06-09-2005 in C.P.No.32 of 2005, ordered winding up of M/s.Kakatiya Agritech Limited (Company in Liquidation).

5. The Official Liquidator has filed affidavit enclosing therewith Annexure-A to K with this application.

6. Heard Sri J.Sreenadh Reddy, learned counsel appearing for the Official Liquidator, and perused the statement of affairs of the company in liquidation and other material as evidenced by Annexure-A to K and also the affidavit dated 06-12-2021 filed by Smt.V.Santoshi Jagirdar, Official Liquidator.

7. As per the affidavit of the Official Liquidator, as on date, since the company (in liquidation) is having an amount of Rs.21,47,087-40 Ps., to its credit; that claims were invited from the creditors of the company (in liquidation) by causing publication of notice in

newspapers as per orders dated 08.03.2007 in C.A. No.243 of 2007; that letter was issued to preferential and unsecured creditors on 05.10.2007 whose names were mentioned in the statement of affairs; that pursuant thereto only one claim from an unsecured creditor is received for a sum of Rs.75,82,104/- and this Court by order dated 16.06.2008 in C.A. No.519 of 2008 condoned the delay in filing the claim by the unsecured creditor; that no workmen claims were received; and that details of dues towards workmen were not furnished in the statement of affairs of company (in liquidation).

8. By the affidavit filed, Official Liquidator has further stated that the claim of unsecured creditor is pending adjudication; that the petitioner who filed winding up petition against the company (in liquidation) had remitted a sum of Rs.15,000/- towards initial expenses after receipt of winding up order; that out of the balance amount available, an amount of Rs.21,00,000/- be permitted to be paid/disbursed to APSFC being a secured creditor; that an amount of Rs.15,000/- to the petitioner deposited by him for winding up and in the event the petitioner is not being traceable, the Official Liquidator be permitted to transfer the initial expenses along with the balance

amount, after deducting the expenses to be incurred by the Official Liquidator along with Liquidation/incidental expenses, Auditor's fee etc, to the Company in Liquidation Companies Liquidation Account as required under Section 555(1) of the Act r/w Rule 283 of the Rules.

9. The Official Liquidator by the affidavit filed further stated that there are no assets available in the name of company (in liquidation) for disposal; that on payment of Rs.21,00,000/- to APSFC, the balance amount available to the credit of the company-in-liquidation would be only a sum of Rs.47,087/-; and that no further affairs to be pursued by the Official Liquidator.

10. Considering the statement made as above by the Official Liquidator in the affidavit, and also taking note of the fact this Court having passed winding up order in the year 2005 and 17 years having already passed by and there is no further affairs to be pursued by the Official Liquidator, this Court is of the opinion that no useful purpose would be served by continuing with the winding up proceedings without dissolving the Company.

11. Therefore the Company Application is ordered. The Official Liquidator shall transfer the balance amount to the Company's Liquidation Account with the Reserve Bank of India.

12. Consequently, C.P.No.32 of 2005 is closed. The Official Liquidator shall forward the certified copy of this order to the Registrar of the Companies along with the statement signed by the Official Liquidator, as mandated under Rule 282 of the Companies (Court) Rules, 1959.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To;

1) The Official Liquidator, M/s. Kakatiya Agritech Ltd., (In Liqn) High Court at Hyderabad for the state of Telangana Office at 1st floor corporate Bhawan, Nagole, Bandlaguda Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District Telangana State Pin Code 500 680.

2) The Registrar of Companies, Ministry of Corporate Affairs, Government of India 2nd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District, Telangana State Pin Code 500 680.

3) The Regional Director, South Eastern Region, Ministry of Corporate Affairs, 3rd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District Telangana State Pin Code 500 680.

4) The S.O. O.S. Section, High Court of Judicature at Hyderabad, for the State of Telangana.

5) Two C.D.Copies

6) One CC to Sri J. Srinadh Reddy,Official Liquidator, High Court at Hyderabad.

7) One Spare Copy

HIGH COURT

DATED:29/07/2022

ORDER

COMPANY APPLICATION .No.581 of 2021
IN
COMPANY PETITION NO. 32 OF 2005

ORDERING THE COMPANY APPLICATION.

8
22/11/22